THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.NO. 10546 OF 2006

DATED 13-07-2006

BETWEEN:

Mandula Yerramma

.. Petitioner

The District Collector, Mahbubnagar Dist.
and another

.. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.NO. 10546 OF 2006

ORDER:

Heard the learned counsel on record.

This writ petition is filed for writ of mandamus declaring the action of the respondents in making constructions on the land in Survey No.384/A of Achampet Village and Mandal Mahbubnagar District as arbitrary and illegal and consequently direct the respondents to initiate land acquisition proceedings and pay compensation to the petitioner and pass such other suitable orders.

It is stated by the petitioner that her husband Mandula Balaiah was the pattedar and possessor of the land in Survey Nos. 233/A, 123, 234/A, 231, 384/A, 369 and 385 of Achampet village and Mandal, Mahbubnagar District. It is also stated that her husband died in the year 1988. During the lifetime of her husband, Grampanchayat, Achampet purchased the lands in Survey No.385 from her husband and constructed public club. It is also stated that the officials of the Grampanchayat – second respondent on 22.05.2006 came to her land in Survey No.384/A and laid foundation stone in her land, and that on enquiry the officials informed that they are going to construct mulgies for Grampanchayat and hence laid the foundation stone. It is also stated that she objected the proposed construction as the same is not in Survey No.385 of the Gram Panchayat land and informed them that the foundation stone is laid in her land i.e. Survey No.384/A and requested the second respondent to stop the proposed construction in her land. It is also stated that the action of the second respondent in commencing the construction work on her land in Survey No.384/A without initiating acquisition proceedings is arbitrary, illegal and against the principles of

natural justice and depriving her rights over the said property.

The second respondent filed counter affidavit. It is specifically stated that it is true that they have laid foundation stone on 22.05.2006 for construction of toilets and shops in the area of Old agricultural godown building situated in Grama Kantham lands and the M.R.O., Achampet, also certified the same. Initially there was an old godown constructed 35 years ago and have became old and in a fallen condition. Then the Gram panchayat requested the 1st respondent to give the land for the construction of toilets and small shops for the public purpose where the godown was a shelter for the anti social elements and for illegal activities. Then the first respondent requested the Joint Director of Agriculture, Mehboobnagar to give away the land to them. The Joint Director consulted his department and he might have written a letter to the 1st respondent as there is no objection for them to give the land as the godown in a fallen condition. The 1st respondent issued orders vide proceeding No.A3/478/2006, dated 25.03.2006 granting this peace of land on the request of the Gram Panchayath. It is also stated that as they had received the proceedings from the District Collector, they have taken steps by removing the old godown and taken steps for construction of shops and toilets by leaving road margin as ordered by the 1st respondent. Unfortunately, the petitioner has approached as they entered in her land by giving false survey numbers, which are not belongs to her. Even according to her the survey numbers are others and there is no necessity to enter into survey numbers 384/A or 385 where police station and other buildings are situated.

Only to stop the development activities and to avoid modification of the village the petitioner approached this Court with political reasons only. It is also stated that the Survey No.385 belongs to Civil Hospital functioning long years ago. The M.R.O, Achampet also certified on 19.06.2006 that the toilets and the shops are constructing in the old godown, which is in a fallen condition, which is situated in the Gram Kantham land and Survey No.384/A not belongs to any private persons. Several other factual details also narrated in the counter affidavit.

In the light of the respective pleadings of the parties, it is needless to say that the writ petition involves disputed questions of title. The petitioner asserting that this is a private land and on the contrary the Grampanchayath asserting that this is a Grampanchayat land. This is a question, which may have to be resolved before a competent civil Court. Hence, opportunity is given to the parties to approach the competent civil Court to resolve this dispute in accordance with law. However to enable the parties to approach the competent civil court, status quo obtaining as on today shall be maintained in respect of the Survey Nos.384/A and 385 only for a period of two weeks.

With the above direction, the writ petition is disposed of. No order as to costs.

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13-07-2006

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